

Senate Engrossed House Bill

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 162

HOUSE BILL 2319

AN ACT

AMENDING SECTION 13-3108, ARIZONA REVISED STATUTES; RELATING TO FIREARMS
REGULATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3108, Arizona Revised Statutes, is amended to
3 read:

4 13-3108. Firearms regulated by state; state preemption;
5 violation; classification

6 A. Except as provided in subsection C of this section, a political
7 subdivision of this state shall not enact any ordinance, rule or tax relating
8 to the transportation, possession, carrying, sale, TRANSFER or use of
9 firearms or ammunition or any firearm or ammunition components in this state.

10 B. A political subdivision of this state shall not require the
11 licensing or registration of firearms or ammunition or any firearm or
12 ammunition components or prohibit the ownership, purchase, sale or transfer
13 of firearms or ammunition or any firearm or ammunition components.

14 C. This section does not prohibit a political subdivision of this
15 state from enacting and enforcing any ordinance or rule pursuant to state
16 law, to implement or enforce state law or relating to any of the following:

17 1. Imposing any privilege or use tax on the retail sale, lease or
18 rental of, or the gross proceeds or gross income from the sale, lease or
19 rental of, firearms or ammunition or any firearm or ammunition components at
20 a rate that applies generally to other items of tangible personal property.

21 2. Prohibiting a minor who is unaccompanied by a parent, grandparent
22 or guardian or a certified hunter safety instructor or certified firearms
23 safety instructor acting with the consent of the minor's parent, grandparent
24 or guardian from knowingly possessing or carrying on the minor's person,
25 within the minor's immediate control or in or on a means of transportation
26 a firearm in any place that is open to the public or on any street or highway
27 or on any private property except private property that is owned or leased
28 by the minor or the minor's parent, grandparent or guardian. Any ordinance
29 or rule that is adopted pursuant to this paragraph shall not apply to a minor
30 who is fourteen, fifteen, sixteen or seventeen years of age and who is
31 engaged in any of the following:

32 (a) Lawful hunting or shooting events or marksmanship practice at
33 established ranges or other areas where the discharge of a firearm is not
34 prohibited.

35 (b) Lawful transportation of an unloaded firearm for the purpose of
36 lawful hunting.

37 (c) Lawful transportation of an unloaded firearm between the hours of
38 5:00 a.m. and 10:00 p.m. for the purpose of shooting events or marksmanship
39 practice at established ranges or other areas where the discharge of a
40 firearm is not prohibited.

41 (d) Any activity that is related to the production of crops,
42 livestock, poultry, livestock products, poultry products or ratites or
43 storage of agricultural commodities.

1 3. The use of land and structures, including a business relating to
2 firearms or ammunition or their components or a shooting range in the same
3 manner as other commercial businesses. NOTWITHSTANDING ANY OTHER LAW, THIS
4 PARAGRAPH DOES NOT AUTHORIZE A POLITICAL SUBDIVISION TO REGULATE THE SALE OR
5 TRANSFER OF FIREARMS ON PROPERTY IT OWNS, LEASES, OPERATES OR CONTROLS IN A
6 MANNER THAT IS DIFFERENT THAN OR INCONSISTENT WITH STATE LAW. FOR THE
7 PURPOSES OF THIS PARAGRAPH, A USE PERMIT OR OTHER CONTRACT THAT PROVIDES FOR
8 THE USE OF PROPERTY OWNED, LEASED, OPERATED OR CONTROLLED BY A POLITICAL
9 SUBDIVISION SHALL NOT BE CONSIDERED A SALE, CONVEYANCE OR DISPOSITION OF
10 PROPERTY.

11 4. Regulating employees or independent contractors of the political
12 subdivision who are acting within the course and scope of their employment
13 or contract.

14 5. Limiting firearms possession in parks or preserves of one square
15 mile or less in area to persons who possess a concealed weapons permit issued
16 pursuant to section 13-3112. The political subdivision shall post reasonable
17 notice at each park or preserve. The notice shall state the following:
18 "Carrying a firearm in this park is limited to persons who possess a permit
19 issued pursuant to section 13-3112." In parks or preserves that are more
20 than one square mile in area, a political subdivision may designate developed
21 or improved areas in which the political subdivision may limit firearms
22 possession to persons who possess a concealed weapons permit issued pursuant
23 to section 13-3112. The political subdivision shall post reasonable notice
24 at each designated developed or improved area. The notice shall state the
25 following: "Carrying a firearm in this developed or improved area is limited
26 to persons with a permit issued pursuant to section 13-3112." For the
27 purposes of this paragraph, "developed or improved area" means an area of
28 property developed for public recreation or family activity, including picnic
29 areas, concessions, playgrounds, amphitheaters, racquet courts, swimming
30 areas, golf courses, zoos, horseback riding facilities and boat landing and
31 docking facilities. Developed or improved area does not include campgrounds,
32 trails, paths or roadways except trails, paths and roadways directly
33 associated with and adjacent to designated developed or improved areas. Any
34 notice that is required by this paragraph shall be conspicuously posted at
35 all public entrances and at intervals of one-fourth mile or less where the
36 park, preserve or developed or improved area has an open perimeter. Any
37 limitation imposed by a political subdivision pursuant to this paragraph
38 shall not apply to a person:

39 (a) Engaged in a permitted firearms or hunters HUNTER safety course
40 conducted in a park by a certified hunter safety instructor or certified
41 firearms safety instructor.

42 (b) At a properly supervised range, as defined in section 13-3107, AT
43 a permitted shooting event, AT a permitted firearms show or in a permitted
44 hunting area.

1 (c) Legally transporting, carrying, storing or possessing a firearm
2 in a vehicle.

3 (d) Going directly to or from an area where the person is lawfully
4 engaged in hunting, marksmanship practice or recreational shooting.

5 (e) Traversing a trailhead area in order to gain access to areas where
6 the possession of firearms is not limited.

7 (f) Using trails, paths or roadways to go directly to or from an area
8 where the possession of firearms is not limited and where no reasonable
9 alternate means of access is available.

10 6. Limiting or prohibiting the discharge of firearms in parks and
11 preserves except:

12 (a) As allowed pursuant to chapter 4 of this title.

13 (b) On a properly supervised range as defined in section 13-3107.

14 (c) In an area recommended as a hunting area by the Arizona game and
15 fish department and approved and posted as required by the political
16 subdivision's chief law enforcement officer. Any such area may be closed
17 when deemed unsafe by the political subdivision's chief law enforcement
18 officer or the director of the Arizona game and fish department.

19 (d) To control nuisance wildlife by permit from the Arizona game and
20 fish department or the United States fish and wildlife service.

21 (e) By special permit of the chief law enforcement officer of the
22 political subdivision.

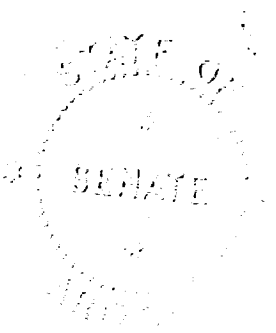
23 (f) As required by an animal control officer in performing duties
24 specified in section 9-499.04 and title 11, chapter 7, article 6.

25 (g) In self-defense or defense of another person against an animal
26 attack if a reasonable person would believe that deadly physical force
27 against the animal is immediately necessary and reasonable under the
28 circumstances to protect oneself or the other person.

29 D. A violation of any ordinance established pursuant to subsection C,
30 paragraph 6 of this section is a class 2 misdemeanor unless the political
31 subdivision designates a lesser classification by ordinance.

THIS BILL HAVING REMAINED WITH THE GOVERNOR FIVE DAYS, SUNDAYS
EXCLUDED, AND THE LEGISLATURE BEING IN SESSION, IT HAS BECOME
A LAW THIS 7 DAY OF MAY, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2003.



Passed the House March 12, 2003

Passed the Senate April 29, 2003

by the following vote: 36 Ayes,

by the following vote: 20 Ayes,

21 Nays, 3 Not Voting

10 Nays, 0 Not Voting

John F. Hale
Speaker of the House

Ken Bennett
President of the Senate

Norman L. Fyfe
Chief Clerk of the House

Charmine Ballinger
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

H.B. 2319

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 1, 2003,

by the following vote: 40 Ayes,

16 Nays, 4 Not Voting



Speaker of the House
Pro Tempore



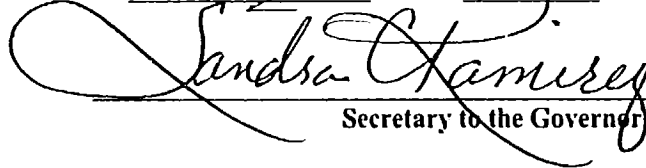
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

1 day of May, 2003

at 4:00 o'clock P. M.



Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

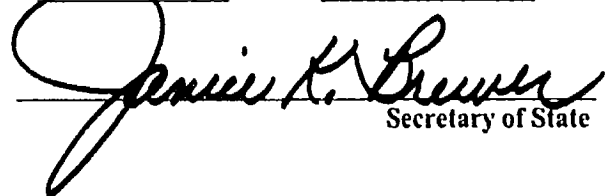
H.B. 2319

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7 day of May, 2003

at 4:07 o'clock P. M.



Secretary of State